

Introduced by Senator Lowenthal

February 22, 2006

An act to add Chapter 1.5 (commencing with Section 18500) to Division 8 of the Business and Professions Code, relating to athletic trainers.

LEGISLATIVE COUNSEL'S DIGEST

SB 1397, as introduced, Lowenthal. Athletic trainers: registration.

Existing law provides for the regulation of various professions and vocations, including those of an athlete agent.

This bill would enact the Athletic Trainers Act. The act would, except as specified, prohibit a person from representing himself or herself as a "certified athletic trainer," "athletic trainer," or a variation of these terms, or from using the designation "ATC," unless he or she is certified by the Board of Certification, Inc., the nationally recognized body for the certification for athletic trainers. A violation of this prohibition would be a crime. The bill would require an athletic trainer to meet specified requirements in order to be certified by the board, and would require the board to perform certain functions with regard to athletic trainers in order to certify athletic trainers in this state.

Because the bill would create a new crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Chapter 1.5 (commencing with Section 18500)
is added to Division 8 of the Business and Professions Code, to
read:

CHAPTER 1.5. ATHLETIC TRAINERS

18500. This chapter shall be known and may be cited as the
Athletic Trainers Act.

18501. For purposes of this chapter, the following definitions
apply:

(a) “Athletic trainer” means a person who holds himself or
herself out to the public as an athletic trainer or as a certified
athletic trainer, and who either practices athletic training under
the direction of a licensed physician and surgeon or performs
athletic training upon the referral of a licensed health care
provider.

(b) “Athletic training” means the practice of prevention,
recognition, assessment, management, treatment, disposition, and
rehabilitation of injuries provided under the direction of a
licensed physician and surgeon or from the referral of a licensed
health care provider. This practice includes, but is not limited to,
the use of heat, light, sound, cold, electricity, exercise, soft tissue
mobilization, taping, bracing, or mechanical devices related to
the care and conditioning of an injury.

(c) “Board” means the Board of Certification, Inc., which is
the nationally recognized body for certification of athletic
trainers. The board is a nonprofit organization exempt from
taxation under Section 501(c)(6) of Title 26 of the United States
Code, and includes a representative of the public on its governing
board.

(d) “Licensed health care provider” means a licensed
physician, physician assistant, osteopathic physician, osteopathic
physician assistant, chiropractor, podiatric physician and
surgeon, physical therapist, advanced registered nurse

1 practitioner, or other licensed health care provider, as approved
2 by the board.

3 18502. In order to register athletic trainers pursuant to this
4 chapter, the board shall perform all of the following functions:

5 (a) Prescribe continuing education requirements for
6 maintaining certification as an athletic trainer.

7 (b) Maintain a complete list of athletic trainers certified in the
8 state, including the address of each athletic trainer.

9 (c) Make available, upon request, the list of certified athletic
10 trainers in this state.

11 (d) Provide a form for certification as an athletic trainer.

12 (e) Comply with the provisions of this chapter.

13 18503. (a) A person shall not represent himself or herself as
14 a “certified athletic trainer,” “athletic trainer,” or other variation
15 of these terms, or use the designation “ATC,” unless he or she is
16 certified as an athletic trainer by the board pursuant to the
17 provisions of this chapter.

18 (b) Notwithstanding subdivision (a), a person who practiced
19 athletic training in California for a period of five consecutive
20 years prior to January 1, 2007, may use the title “athletic trainer”
21 without being certified by the board. However, on and after
22 January 1, 2010, no person may use the title “athletic trainer”
23 unless he or she is certified by the board pursuant to the
24 provisions of this chapter.

25 18505. (a) In order to be certified pursuant to this chapter, an
26 athletic trainer shall apply for certification with the board and
27 shall include with his or her application documentation that
28 establishes that he or she has met all of the following
29 requirements:

30 (1) Graduated from a college or university after completing an
31 athletic training program accredited by the Commission on
32 Accreditation of Athletic Training Education or an athletic
33 training internship program prior to January 1, 2004.

34 (2) Passed a certification examination administered by the
35 board.

36 (3) Possesses either Professional Rescuer + AED Certification
37 from the American Red Cross or BLS Healthcare Provider CPR
38 + AED Certification from the American Heart Association.

39 (b) The application for certification shall be made on a form
40 prepared by the board.

1 18506. (a) The board shall grant certification as an athletic
2 trainer to an applicant pursuant to this chapter only if he or she
3 complies with all of the following requirements:

4 (1) Submission of an application for certification that includes
5 the following information:

6 (A) Name.

7 (B) Date of birth.

8 (C) Home address.

9 (D) Employer.

10 (E) Employer's address.

11 (F) Number of his or her certification issued by the board,
12 unless exempt under Section 18504.

13 (2) Payment of an application fee specified by the board.

14 (3) Submission of evidence satisfactory to the board that he or
15 she has not committed any of the acts for which certification may
16 be denied pursuant to Section 480.

17 (b) No person may be certified as an athletic trainer pursuant
18 to this chapter if another state or jurisdiction has revoked or
19 suspended his or her authority to act in that capacity.

20 18507. (a) After initial certification, in order to remain
21 certified pursuant to this chapter, an athletic trainer shall apply
22 biennially for certification with the board.

23 (b) Within 30 days of a change of address or employer, an
24 athletic trainer shall notify the board of his or her new address or
25 employer.

26 18508. Nothing in this chapter shall prohibit, restrict, or
27 require certification of any of the following:

28 (a) An individual employed by the government of the United
29 States as an athletic trainer while engaged in the performance of
30 duties prescribed by the laws of the United States.

31 (b) A person pursuing a supervised course of study in an
32 accredited or approved athletic training educational program, if
33 the person is designated by a title that clearly indicates student or
34 trainee status.

35 (c) An athletic trainer from another state for purposes of
36 continuing, education, consulting, or performing athletic training
37 services while accompany his or her group, individual, or
38 representatives into California on a temporary basis for no more
39 than 90 days in a calendar year.

1 (d) An elementary, secondary, or postsecondary school
2 teacher, educator, coach, or authorized volunteer who does not
3 represent himself or herself to the public as an athletic trainer.

4 18509. Failure to comply with Section 18503 is a
5 misdemeanor.

6 SEC. 2. No reimbursement is required by this act pursuant to
7 Section 6 of Article XIII B of the California Constitution because
8 the only costs that may be incurred by a local agency or school
9 district will be incurred because this act creates a new crime or
10 infraction, eliminates a crime or infraction, or changes the
11 penalty for a crime or infraction, within the meaning of Section
12 17556 of the Government Code, or changes the definition of a
13 crime within the meaning of Section 6 of Article XIII B of the
14 California Constitution.